



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Zauderer *et al.*

Appl. No. 09/833,203

Filed: April 12, 2001

For: **Targeted Vaccine Delivery
Systems**

Confirmation No. 1700

Art Unit: 1644

Examiner: Decloux, Amy M.

Atty. Docket: 1821.0020001

**Reply To Restriction Requirement and
Requirement for Election of Species**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated July 1, 2002 (Paper No. 5), requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group III, represented by claims 27-39. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. This election is made without traverse.

In addition, the Examiner required election of a specific cell surface marker and a specific antigenic peptide. Applicants provisionally elect CEA, as recited in Table 6 on page 35 of the specification, as the specific cell surface marker; and melanA/MART-1 (51-73), as recited in Table 3 on page 20 of the specification, as the specific antigenic peptide. At least claims 27, 31, 36 and 39 of the elected group read on both such species.

This election is made with traverse. The Examiner stated that "[c]ell surface markers and antigenic peptides differ with respect to their biochemical structure and function." Paper No. 5, page 4. Applicants point out that the specific cell surface markers are not themselves

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part of the compound of the present invention. Rather, the antibodies or fragments thereof that are part of the compound are specific for particular cell surface markers.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). Consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: September 3, 2002

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